

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING

April 15, 2021

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on April 15, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Neuer called the meeting to order at approximately 8:04 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

Alice Beirne Esq., read the opening statement.

Present:

Jerome Eben, Philip D. Neuer, Bart Quentzel, Jonathan Redwine, Peter Ricci,
Irv Schwarzbaum, William Steinhart, Dr. Michael Straker, Mark Sussman (arrival
8:08PM), Alice Weiss

Absent: M. Straker [excused absence]

Also Present: Paul Grygiel, Acting Planning Director for Township
John Hess, Consulting Engineer for the Township
Alice Beirne, Esq. Board Attorney
Diana L. Chandler, Acting Board Secretary

ANNOUNCEMENTS

Meetings: May 20, 2021 (Regular)
June 17, 2021 (Regular)
July 15, 2021 (Regular)

- ZB 19-10/955 Pleasant Valley Way LLC will not be heard. It will be carried to the May 20, 2021 meeting.

- ZB 21-06 / Rawls will not be heard. It will be carried to the May 20, 2021 meeting.
- ZB 21-05 / Tamay will not be heard. It will be carried to the May 20, 2021 meeting.
- Chairman Neuer also announced that there will be a Special Meeting scheduled for CSH in May/June

MINUTES

February 18, 2021 Meeting Minutes

Motion: Chairman P. Neuer

Second: W. Steinhart

ADOPTED

Eben: No	Straker (Alt.4): NA
Quentzel (Alt. 1): Yes	Sussman (Alt. 3): NA
Redwine: Yes	Weiss: Yes
Ricci: NA	Chairman Neuer: Yes
Schwarzbaum: Yes	
Steinhart: Yes	

March 18, 2021 Meeting Minutes

Motion: Chairman P. Neuer

Second: I. Schwarzbaum

ADOPTED

Eben: Y	Straker (Alt.4): NA
Quentzel (Alt. 1): Y	Sussman (Alt. 3): NA
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: Y	
Steinhart: ABSENT	

March 29, 2021 Meeting Minutes

Motion: Chairman P. Neuer

Second: I. Schwarzbaum

ADOPTED

Eben: Y	Straker (Alt.4): NA
Quentzel (Alt. 1): Y	Sussman (Alt. 3): RECUSED
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: Y	
Steinhart: Y	

SWEARING IN

Mr. Paul Grygiel acting Planning Director for the Township and *Mr. John Hess*, consulting Engineer for the Township, were sworn under oath by *Ms. Beirne*.

RESOLUTIONS

1) ZB-20-15/Dean

Approved on 3/18/2021

Block: 46.05; Lot: 1; Zone: R-5

171 Walker Road

Seeking a "c" variance for the rear yard setback for the expansion of an existing upper deck and replace lower patio with a deck.

Motion: J. Eben

Second: Chairman P. Neuer

ADOPTED

Eben: Y	Straker (Alt.4): NA
Quentzel (Alt. 1): Y	Sussman (Alt. 3): NA
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: Y	Yes: 6; unable to vote 3
Steinhart: NA	

--

2) **ZB-21-03/Ice**

Approved on 3/18/2021

Block: 148.04; Lot: 5; Zone: R-6

37 Moore Terrace

Seeking a “c” variance for the side yard setback for installing a mini split air condenser on the side of house

Motion: I. Schwarzbaum

Second: J. Eben

ADOPTED

Eben: Y	Straker (Alt.4): ABSENT
Quentzel (Alt. 1): Y	Sussman (Alt. 3): NA
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: Y	Yes: 7 unable to vote: 3
Steinhart: ABSENT	

APPLICATIONS

1) **ZB-20-14/E&J Masonry Supply Inc.**

Block: 2; Lot: 43.01 & 50; Zone: R-T

15-19 Meeker Street

Seeking a “d” and “c” variances major site plan approval.

Presentation:

- *Mr. Schkolnick* (applicant’s attorney) detailed the application to the board. The goal is to bring the commercial aspects of the property substantially inside an expanded structure by raising the roof of building and making it so trucks and other vehicles can navigate inside which also addresses NJDEP issues by raising the 1st floor elevation to move the operations out of the floodplain. With the site being directly adjacent to the East Branch of the Rahway River, the current submission addresses most of the technical issues.

-There is one minor glitch with the architectural drawings. The filed plans show two first floors. *Mr. Grygiel* pointed this out in his February 11, 2021 review letter. The 2nd floor of what is proposed is slightly different than what is in front of the Board.

-*Mr. Daniel Reeves*, Civil Engineer was sworn under oath by *Ms. Alice Beirne* and accepted as an expert in his field. *Mr. Reeves* provided a project overview with an aerial photograph marked as **Exhibit A-1**. The lot is approximately 31,500 square feet or .72 acres. It is located on the northbound site of Meeker St, also within the RT-2 family Residential zone abutting the East Branch of the Rahway River, also known as the Township dividing line between West Orange and the City of Orange.

-The witness then referred to a colorized version of the site plan which is the latest site plan that was submitted to the Board with the date of April 5, 2021. The only change to the plan was to add some color (*Ms. Beirne* noted that this colorized plan is **Exhibit A-2**.) and that the property is currently developed by three buildings of mixed uses; a multi-family residential/office building as well as a vacant storage building and a one-story garage located along the East Branch of the Rahway River. In addition, there is a driveway that provides access to the rear of the property for the additional garages. Additionally, there are two public sanitary sewer mains that traverse the property from North to South and a 15 foot sanitary easement which contains a 30 inch sanitary sewer. There is an additional 18 inch sanitary sewer main that is located just outside of the easement and also has a manhole on the property.

- The location of the property is adjacent to the East Branch of the Rahway River and there is an FHA flood, fringe based on review and communications with the NJDEP. A submission to the New Jersey Department Environmental Protection for an FHA verification and individual permit for the proposed improvements was submitted in March of 2021. At the time of this meeting no responses have been received by the Applicant regarding completeness or technical review by NJDEP.

-*Mr. Reeves* continued with an overview of the existing conditions by referring to the colorized site plan marked as **Exhibit A-2**. The applicant is seeking to renovate existing Building #2 to construct an approximately 2,200 square foot addition to help move most of the activities inside the building to reduce noise, to clean up the site and to achieve compliance with the current flood hazard rules by raising the floor to be 1 foot above the design flood elevation. There is an existing driveway adjacent to lot 51 which the applicant is proposing to be utilized solely by the residential tenants with additional screening along Lot 51.

-*Mr. Reeves* explained that the applicant is providing eighteen parking stalls so that a variance for parking is required. The applicant will testify that there is ample parking for this use and for the number of employees for the business (the majority of whom utilize public transportation).

-*Mr. Reeves* opined that in his professional opinion there is sufficient parking for this type of use and provided a turning template as requested by the West Orange Fire Department. This turning template demonstrates that the West Orange fire apparatus can access the site via the existing driveway, perform a turning movement, and then exit the site without having to back out.

- *Mr. Reeves* explained the applicants are providing landscaping screening to the residential properties along the eastern property line and are proposing a buffer along the Western property line

- *Mr. Reeves* testified that the applicant has agreed to upgrade the existing lighting; he referred to drawing C701. (Sheet 4 of the 8 sheet set dated April 5th, 2021 and previously submitted to the board) and will comply with the letter from the Board Engineer, John Hess, in regard to lighting.

-*Mr. Reeves* addressed Storm Water before getting into *Mr. Hess'* report, which mentions that the existing inlet falls into the East Branch of the Rahway River. It is known to be an 8 inch PVC storm pipe (Drawing C 401 Sheet 3, also known as the Grading, Drainage and Utility plan) that runs into the river with the proposed improvements to collect the roof runoff to go towards the Western and the Northern properties. With the proposed improvements, the building will all be piped underground through various different stormwater conveyance systems to this inlet and eventually out to the East Branch of the Rahway River. The Applicant will install a larger pipe As referenced in *Mr. Hess'* letter.

-To satisfy the flow requirements, it is proposed to upsize this inlet based upon responses expected from the NJDEP. *Mr. Hess'* April 7, 2021 letter states that there is a low point created and additional calculations need to be provided to demonstrate capacity. The concrete ramp located just North of the one story building must be reworked to ensure there are no low points and adequate pitch will be made to the inlet to comply with *Mr. Hess'* comments.

- *Chairman Neuer* deferred to *Mr. Hess* to determine whether or not he is comfortable with the waiver request. *Mr. Hess* responded that he has no problem now that the title report has been submitted. *Chairman Neuer* declared that the waiver request is granted.

-*Mr. Reeves* said there is an exemption letter from Essex County and that the applicant will comply with the requirements of the Essex County Planning Board, New Jersey Department of Environmental Protection and the Soil Conservation District.

-Applicant has agreed to upsize the drainage pipe that will conveying roof runoff and will be submitting drainage calculations to the Board to show the pipes being adequately sized with backup documentation. *Chairman Neuer* mentioned however, that the calculations were already submitted.

- *Mr. Reeves* testified that the business does not currently generate any trash or recycling materials. Trash for the residential building on Meeker Street, does have rollaway, trash and recycling cans that are being picked up from the Township Sanitation Department, but the business does not generate any trash and therefore the witness does not feel that there is a need to provide any dumpster enclosures or a solid waste management plan.

- *Mr. Schkolnick*, mentioned traffic. *Chairman Neuer* asked if one of witnesses, was a traffic engineer. *Mr. Schkolnick* said that *Mr. Reeves* testified on the number of vehicles owned and client confirmed that *Mr. Reeves* can talk about the general circulation as there are only 8 trucks.

-*Chairman Neuer* stated having *Mr. Reeves* testify even though he is not qualified as a traffic engineer, they run the risk of credibility issues. *Mr. Schkolnick* responded that he wants to get the board all the information it needs and opted to continue.

-*Mr. Reeves* responded in in regard to traffic control and directional signs, this is a private lot where no additional signage would be required. Sight triangles will be added. *Chairman Neuer* ruled that the waiver request in this regard is denied. There has to be testimony with regard to vehicular and pedestrian circulation patterns.

- *Mr. Reeves* explained why there are wheel stops instead of curbing This is an existing driveway with a parapet wall along the majority of the edge of East Branch of the Rahway River where there is an existing chain link fence. *Mr. Hess* answered that he made the comment because this is an ordinance requirement.

- *Mr. Schkolnick* and *Mr. Reeves* are not 100% certain that a sealed architectural plan had been submitted but will have to provide updated architectural plans to fix that oversight.
- *Chairman Neuer* said to *Ms. Beirne*, if this application is approved, providing a sealed drawing would be a condition to be satisfied prior to the adoption of a Resolution.
- *Chairman Neuer* then asked about the hours of operation. *Mr. Reeves* mentioned they are from 8AM-5:00PM for the office. operation.

Board Questions:

- *Mr. I. Schwarzbaum* asked how long the applicant has owned this property. *Mr. Reeves* answered about 40 years and they have been operating this business out of this facility.
- *Mr. Jerome Eben* asked *Mr. Reeves* to explain the on-site vehicle circulation. *Mr. Reeves* responded by referencing a new exhibit for a dump truck circulation which was marked as **Exhibit A3 (new exhibit for a dump truck)** This is a dump truck circulation exhibit dated April 15, 2021. The applicant has dump trucks to get deliveries of raw materials. *Mr. Eben* said that this is the first he is hearing that dump trucks will be parked inside the building. *Mr. Reeves* confirmed that this a main part of the application.
- *Mr. Eben* referred to items #5 and #7 on *Mr. Hess* ' letter, dealing with the loading spaces and maneuvering. *Mr. Eben* asked for confirmation that there will not be deliveries by outside companies. *Mr. Reeves* responded in the affirmative.
- *Mr. Schkolnick* asked *Mr. Reeves* if he believes there is a need for a formal loading space which is #5 on *Mr. Hess* ' April 7, 2021 letter. *Mr. Reeves* responded that he does not believe there is a need based on the operations.
- *Mr. Jerome Eben* commented positively in regards to the attempt with the landscaping at the perimeter referencing the West Orange Zoning Ordinance with greenery every 10 parking spaces and he would like to see more landscaping, and suggested sliding spaces lightly to the left *Mr. Reeves* agreed that the applicant could do that as a condition.
- *Mr. Eben* asked whether on-street parking is available. *Mr. Reeves* responded that he does not recall. He is aware that parking is not allowed on the northeast side.
- *Mr. I. Schwarzbaum* asked if trucks are going to be able to get in and out without impacting the stalls for the cars? *Mr. Reeves* responded in the affirmative although he did not show each individual one. He stated that they are all able to make this the same K turn.
- *Chairman Neuer* said in response to *Mr. Schwarzbaum's* concerns, the applicant does not have to demonstrate all five of them, but the concern is more on the North and the second one going into the building.

PROFESSIONAL QUESTIONS

- No questions from *Mr. Hess* or *Mr. Grygiel*.

Public Questions:

- *Charles and Darlene Plaveczyk* (24 Central Place) asked about the dump trucks having maneuverability on the property in regards to storage bins (and not only dump trucks but also 40 foot yard containers which are pulled across the yard). *Mr. Plaveczyk* told the Board that he did take a pictures of it, and *Chairman Neuer* encouraged him to send the photos to the Board

Secretary, *Ms. Diana Chandler* Chairman *Neuer* mentioned that he wanted to ask. *Mr. Schkolnick* to make sure his client is prepared to discuss this.

-*Mrs. Plaveczy* asked about the land as the house shakes when they're doing this dumping. *Chairman Neuer* rephrased the question for *Mr. Reeves* and he responded that when this survey was completed, no type of seismic analysis was done. *Chairman Neuer* rephrased *Mrs. Plaveczy's* question about the type of testing that could be done during activities to determine the cause of the seismic activity at *Mr. & Mrs. Plaveczy's* home and the neighbors. *Mr. Reeves* responded that he would not classify myself as an expert to this and the applicant is going to look into it.

-*Mr. Manuel Lim* (938 Pleasant Valley Way) had a question about the fact that they are not requiring a dumpster on site, but there are 16 people working in the building? In response to this the question was that per discussion with the applicant, the trash is not generated and confirmed that no garbage is generated.

Board Discussion:

-*Chairman Neuer* stated that this application is going to be coming back and requested confirmation that *Mr. Reeves* will also be returning. *Mr. Schkolnick* answered in the affirmative.

BREAK FROM 9:40-9:47PM

-After the break commenced, *Mr. Schkolnick* let the Board know that he would like the application carried. *Chairman Neuer* informed *Mr. Schkolnick* that this will have to wait to be heard again until the June 17, 2021 Meeting.

-At that time, *Mr. Schkolnick* anticipates that the technical difficulty with the architectural plans will be corrected. *Chairman Neuer* explained that the applicant will have to get revised plans ten days in advance of the meeting.

2. ZB-21-02/Santiago

Block: 85.06; Lot: 2; Zone: R-5

205 Mt. Pleasant Avenue.

"C" Side Yard Variance to replace front and side decks with a wraparound porch.

Presentation:

- *Mr. Joshua Santiago* was sworn under oath by *Ms. Alice Bierne*. *Mr. Santiago* testified that this application seeks to replace the existing front landing and side deck to make them into one semi wrap around porch. The proposal is to replace the existing side deck, which measures 10 x 12 with one that measures 20 x 24 (entire length of the house) and to replace the front landing, which is currently 6 x 8 with one that measures 6 x 11).

- The reasons stated by *Mr. Santiago* are that he lives in a really busy intersection on Mount Pleasant and his concern for the safety of his family and pets. The land itself presents a hardship because it is sloped down dramatically.

-*Chairman Neuer* asked *Mr. Santiago* if he received any comments or questions from neighbors. *Mr. Santiago* responded saying that the only responses he received were in favor of the application.

-*Chairman Neuer* asked *Mr. Santiago* how long he has owned this property. *Mr. Santiago* answered since September 2018.

-*Chairman Neuer* asked if since he bought a home, were any improvements made to the property. *Mr. Santiago* responded affirmatively. However, the size of a lot itself is the same now as when bought it and is better because he added a retention wall to the back.

-*Chairman Neuer* asked if permits were obtained. *Mr. Santiago* answered in the affirmative.

-*Chairman Neuer* also asked *Mr. Santiago* to describe the materials to be used in the construction of the deck. *Mr. Santiago* answered that it is going to be made of 6 by 6 post and tracks for the top material.

Board Questions/Comments:

- *Mr. Jerome Eben*, asked and advised regarding the lower right hand corner of plans, where he thought that the applicant would lose a lot of deck space, but if the post was pulled in, it would be possible to move the beams. *Mr. Eben* said that *Mr. Santiago* should discuss those changes with the reputable contractor or hire an architect.

- *Mr. Ricci* asked if the front deck and side deck are at the same height. *Mr. Santiago* answered negatively *Mr. Ricci* followed up about the two decks, two different doors asking how he proposes to connect them. *Mr. Santiago* responded that we're going to either put some steps or eliminate this door entirely. *Mr. Ricci* responded that the applicant could leave that door there on the side and the deck will have to be at two different elevations and would need updated plans.

-*Mr. Ricci* asked what the railings are going to be made out of and *Mr. Santiago* responded that he hasn't thought that far in advance.

-*Mr. Ricci's* asked if there will be a staircase going from the lower deck at the side of the house, going down to the ground. *Mr. Santiago* answered in the affirmative.

- *Chairman Neuer* said that his motion would be to approve the application with conditions that those drawings be submitted ten days before our next meeting to be reviewed before the meeting and to determined\ that the conditions have been met.

Professionals Questions

-No questions from *Mr. Grygiel*.

Public Hearing Closed.

Public Questions:

No Public Questions/Comments

Board Discussion:

End of public questions.

-*Chairman Neuer*, stated his opinion that *Mr. Santiago* satisfied all requirements for this application. By promoting the public safety because of the traffic and the activities near the home it will be safer for him to occupy the deck and this is an appropriate location for recreational uses. Although he has not presented expert testimony with regard to the negative criteria, this board can determine that because of the nature of the application, it satisfies the negative criteria in order to qualify for the variances that have been requested. Chairman Neuer moved to approve the application with the conditions as stated on the record.

-*Mrs. Alice Weiss* seconded the motion and in so doing asked *Mr. Santiago* if he saw the Planner's report and *Mr. Santiago* responded in the affirmative.

-*Chairman Neuer* wished *Mr. Santiago* luck and reminded him not to apply for any permits until resolution is adopted but should start interviewing contractors.

Motion: Chairman P. Neuer

Second: Mrs. Alice Weiss

APPROVED

Eben: Y	Straker (Alt.4):
Quentzel (Alt. 1):	Sussman (Alt. 3):
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: Y	
Steinhart: Y	

The meeting was adjourned by *Chairman Neuer* at ____10:37____ PM

Adopted:


Diana L. Chandler, Board Secretary